

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

MISC. PETITION NO. 531 OF 2025

Smita Padmakar Masurekar	.. Deceased
The Administrator General, Maharashtra State	.. Petitioner
Versus	
Rajeshwari Co-op. Housing Society Ltd	.. Respondent

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- Mr. Rakesh Pathak, AGP for Petitioner
 - Mr. Ganesh K. Sovani, Advocate for Respondent
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 10, 2025

P. C.:

1. Heard Mr. Pathak, learned AGP for Petitioner and Mr. Sovani, learned Advocate for Respondent.

2. Petition is filed by Administrators-General seeking dealing with the subject flat belonging to deceased under Section 10 of the Administrators General Act, 1963. Deceased was occupying original Flat No. 16 and was member of Respondent No. 1 - Society. Society is made a formal party to the Petition and duly represented by Mr. Sovani. They are co-operating with learned Administrator General with respect to the premises belonging to the deceased. Old building of the Society is going to be redeveloped and plans have already been submitted to TMC as informed by Mr. Sovani. He would submit that original occupant of flat namely Smt. Smita Padmakar Masurekar

(deceased) was a member of the Society and after redevelopment she would be entitled to a new flat which has been earmarked as Flat No. 106. He states that he has instructions to make the appropriate statements and the same be recorded by the Court.

3. Name of the Society is Rajeshwari Co-op. Housing Society Ltd. Though the nomination has been effected by the deceased, none of the nominees have come forward to act as a trustee in respect of the subject flat. In that view of the matter, present Petition is moved by Administrator General.

4. In view of the above, there can be no impediment in allowing the Petition. Hence Misc. Petition is allowed and disposed of in terms of prayer clauses (a) and (b) which read thus:-

"(a) That this Hon'ble Court be pleased to empower this Petitioner to Collect and take possession of the estate of the Deceased Smt. Smita Padmakar Masurekar as reflected in the Schedule of property and credits at Exhibit "B" hereto and/or any other movable/immovable assets of the said deceased subsequently came to the notice of this Petitioner and to hold and administer the same under the provisions of section 10 and all other enabling Provisions of the Administrators General Act, 1963 as amended by the (Maharashtra) Act No. 12 of 2002,

(b) this Hon'ble Court be pleased to grant liberty to the Petitioner to apply further as and when required".

5. In view of the above, the Court is at the present stage satisfied that there is also an imminent danger of misappropriation, deterioration and / or waste of the assets belonging to the deceased

which requires immediate attention. Learned Administrator General is accordingly permitted to take possession of all the properties (movable), assets and estates both immovable and movable belonging to the deceased and to administer the same in accordance with the provisions of the said Act. Learned Administrator General is directed to collect, realise and take proper care of the assets and estate of the deceased and take all necessary and incidental steps for the said purpose. Learned Administrator General would be at liberty to apply for grant of Letters of Administration in terms of the provisions of Section 10 of the said Act.

6. The officers in charge of Naupada Police Station, Thane in whose jurisdiction the subject flat is situated are directed to ensure that all police protection shall be provided to the officers of the Administrator General in order to secure compliance of order passed by this Court.

7. The subject flat has not been opened for long. Direction is given to the learned Administrator General to open the said flat with the help of police protection, make an appropriate inventory of the valuable articles therein and dispose of and destroy the articles which are useless and unnecessarily kept without recourse to this Court. Necessary inventory report be prepared and kept in the record.

Application shall be made as and when possible for the purpose of securing letters of Administration.

8. Petition is allowed in the above terms.

[MILIND N. JADHAV, J.]

Amberkar

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by RAVINDRA
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